

Acceptance, Expedite & Referral - Request for expedited treatment is denied.

This acknowledges receipt of your 25 October 1997 Freedom of Information Act (FOIA) request for the following information:

"...records relating to commercial wireless communication facilities proposed to be located on the CIA water tower or on property adjacent to CIA headquarters at the Federal Highway Administration's Turner-Fairbank research facility."

Please be advised that the portion of your request which relates to the Federal Highway Administration's Turner-Fairbank research facility falls outside the purview of this agency. You should address this portion of your request directly to the Department of Transportation at the following address:

**Ms. Dorothy A. Chambers
Freedom of Information Act Division
Room 5432
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20220**

We have accepted that portion of your request dealing with the CIA water tower; it will be processed in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 431. Our search will be for documents in existence as of and through the date of this acceptance letter.

As you are aware, the FOIA authorizes federal agencies to collect fees for records services. Based on the information provided, we have determined that your request falls into the "all others" fee category. However, in this particular instance we estimate costs will be minimal and, as a matter of administrative discretion, have determined that no fees will be charged.

With regard to your request for expedited processing, I must inform you that all requests are handled in the order received on a "first-in, first-out" basis. Exceptions to this rule will only be made in circumstances that the Coordinator deems to be exceptional. In making this determination, the coordinator shall consider (a) whether a genuine need for the records exists and (b) if so, whether the need is exceptional. Requests shall be considered for expedited processing only when health, humanitarian, or due process considerations involving possible deprivation of life or liberty create circumstances of exceptional urgency and extraordinary need. Since your request does not meet the criteria, we must decline your request for expedited processing.

The heavy volume of FOIA requests received by the Agency has created delays in processing. Since we cannot respond within the 20 working days stipulated by the FOIA, you have the right to consider this a denial and may appeal to the Agency Release Panel. It would seem more reasonable, however, to have us continue processing your request and respond to you as soon as we can. You can appeal any denial of records at that time. Unless we hear from you otherwise, we will assume that you agree, and we will proceed on this basis.